

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NANCY MELENDEZ,	:	CIVIL ACTION NO. 1:07-CV-1491
	:	
Plaintiff	:	
	:	
v.	:	(Judge Conner)
	:	
PLANNED PARENTHOOD OF CENTRAL PENNSYLVANIA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 5th day of December, 2008, upon consideration of the report of the magistrate judge (Doc. 23), recommending that plaintiff's claim be dismissed pursuant to Federal Rule of Civil Procedure 41(b), and it appearing defendant has filed a motion for summary judgment (Doc. 15), to which plaintiff has failed to file a brief in opposition as required by Local Rule 7.6, and that plaintiff was expressly ordered to file a brief in opposition by the order of court dated July 31, 2008 (see Doc. 22),¹ it is hereby ORDERED that, on or before December 19, 2008, plaintiff shall file a response showing cause why defendant's motion for summary judgment (Doc. 15) should not be deemed unopposed, and why the above-captioned action should be not dismissed for failure to prosecute and for failure to comply with the

¹ The court may dismiss a party's claims for failure to prosecute either upon motion of the opposing party or *sua sponte*. See Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 341 (3d Cir. 1982); see also Briscoe v. Klaus, 538 F.3d 252, 258 (3d Cir. 2008) (citing Donnelly and holding that district courts should allow a plaintiff an opportunity to explain his or her failure to prosecute or failure to comply with court orders before dismissing a claim *sua sponte*).

rules and order of this court. See L.R. 7.6; see also FED. R. CIV. P. 41(b); Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge